

Via Facsimile 9-1-571-273-8300

PATENT CASE FC01093Q2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 3728

Examiner: John T. Kavanaugh

In re application of:
Laura Crane *et al.*

Serial No.: 10/612,539

Filing Date: July 2, 2003

Attorney Docket No.: FC01093Q2

Title:
GEL INSOLES WITH LOWER
HEEL AND TOE RECESSES
HAVING THIN SPRING
WALLS

Schering-Plough Corporation
Kenilworth, New Jersey 07033-0530

Mail Stop: Amendment
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Petitioner, Schering Plough Healthcare Products, Inc., is the owner of 100% interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 36 U.S.C. sections 154 to 156 and 173, as presently shortened by any terminal disclaimer, of commonly-owned U.S. Patent No. 6,598,321. Petitioner hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and the aforesaid U.S. patent are commonly-owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the fully statutory term as defined in 35 U.S.C. sections 154 to 156 and 173 of the aforesaid patent application, as presently shortened by any terminal disclaimer, in the event that either one or both later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a

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reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Petitioner is the owner of 100% interest in the instant application by virtue of an assignment to Schering Corporation from all the inventors, which was recorded on June 5, 2000 in the U.S. Patent and Trademark Office at Reel 010886, Frame 0469.


The undersigned Attorney of Record states that he is empowered to act on behalf of the petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant or aforesaid applications or any patents issued thereon.

Terminal disclaimer fee under 37 C.F.R. §1.20(d) for the present Terminal Disclaimer is included.

May 24, 2006
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